

Date of Hearing: August 20, 2025

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 645 (Umberg) – As Amended July 3, 2025

Policy Committee: Judiciary

Vote: 12 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

**SUMMARY:**

This bill exempts most civil trials from the procedures in existing law that apply when an attorney in a criminal trial exercises a preemptory challenge to remove a prospective juror.

Specifically, this bill:

- 1) Specifies that existing procedures that govern an attorney's exercise of a preemptory challenge at trial do not apply to civil cases, except for cases involving a civil rights violation, actions for the civil commitment of a person, civil cases for damages arising from a hate crime, and dependency cases, as specified.
- 2) Requires the judicial officer in a civil case in which the existing preemptory challenge procedures apply to inform the parties that the existing preemptory challenge procedures apply, as specified.

**FISCAL EFFECT:**

Cost pressures (Trial Court Trust Fund, General Fund) to the courts of an unknown but potentially significant amount, possibly in excess of \$150,000, to make the required notifications described in item 2, above. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The fiscal year 2025-26 state budget provides \$82 million ongoing General Fund to the Trial Court Trust Fund for court operations.

**COMMENTS:**

- 1) **Background.** Voir dire is the process through which attorneys in a criminal or civil trial evaluate prospective jurors who may be assigned to the trial. During voir dire, an attorney may "challenge" a prospective juror, which means the attorney requests to have the prospective juror removed from the jury pool. There are two types of challenges: challenges for cause and preemptory challenges. A challenge for cause must be based on one of several reasons authorized in statute, including a prospective juror's incapacity or fiduciary relationship with a party to the case. An attorney must tell the judge the basis of a for cause challenge. Conversely, an attorney may make a preemptory challenge for any reason, as long as the challenge is not for a discriminatory purpose. An attorney does not need to tell the judge their rationale for making a preemptory challenge. Historically in California, exercise

of preemptory challenges has been governed by case law, as discussed in more detail in the analysis of this bill by the policy committees.

In 2020, seeking to better discourage discriminatory use of preemptory challenges, the Legislature enacted AB 3070 (Weber), Chapter 318, Statutes of 2020, which codified a procedure for evaluating an attorney's exercise of a preemptory challenge. AB 3070 applied the procedure to criminal trials beginning in 2022, and included a sunrise that will apply the procedure to civil trials beginning January 1, 2026, unless further action is taken.

- 2) **Purpose.** This bill eliminates the sunrise for the AB 3070 procedures for many types of civil cases, with specified exceptions for cases involving civil rights, hate crimes, and other issues. According to the author, the AB 3070 procedure is not a good fit for civil cases because (a) criminal proceedings involve liberty interests in a way that civil cases do not; (b) civil cases encompass a much broader range of issue areas than criminal cases, but AB 3070 was drafted with criminal court in mind; and (c) voir dire is much shorter in civil cases than in criminal cases, and civil attorneys must generally make decisions on jury selection with much less information than criminal attorneys.

**Analysis Prepared by:** Annika Carlson / APPR. / (916) 319-2081